MESSAGE

OF

GOVERNOR JOHN W. STEVENSON,

TO THE

GENERAL ASSEMBLY OF KENTUCKY,

DECEMBER 2, 1867.

REGULAR SESSION OF THE LEGISLATURE OF 1867-8.

FRANKFORT, KY.:
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GOVERNOR'S MESSAGE.

Gentlemen of the Senate and House of Representatives:

Time with its noiseless step brings again the period fixed by law for your meeting. I cordially welcome you to the Capitol. I greet you as representatives from every portion of our Commonwealth, clothed by the people with the solemn trust of legislating for their welfare. I do so, however, under circumstances of sadness and solicitude.

An afflicting dispensation of Divine Providence has invested me with the temporary discharge of the duties imposed by the Constitution upon the Executive of this Commonwealth.

It is known to you that John L. Helm was, upon the third of August, 1867, elevated to this office by a popular majority hitherto unequaled in our annals.

Upon the third of September, at his own home in Hardin county, upon a bed of sickness, in the presence of his immediate predecessor, and a few personal friends, he took the oath of office.

His inaugural address was, at his request, read by his Secretary of State, on the same day, in Elizabethtown, to a large assemblage of anxious freemen. They listened with solemn interest to the reading of that State paper. They were impressed with the sad foreboding that its orthodox enunciations might prove to be the farewell utterances of a dying statesman to a confiding and free constituency.

This sad anticipation was soon realized!

Governor Helm passed from time to eternity at half-past 1 o'clock on Sunday, the 8th of September, 1867.

Four days thereafter I entered upon the discharge of the duties of the office vacated by his untimely death.

The loss of such a man at any time might well be deemed a public calamity; but at a period of pressing public danger, like that through which our distracted country is now passing, the death of Governor Helm is a bereavement which falls with unusual weight upon the popular heart. He passed away ere he had fully developed the principles of his administration, or been permitted to illustrate the high and manly qualities which led to his selection as Chief Magistrate of Kentucy.k He died, however, at the post of duty—"full of years and full of honors."

You need, I am quite sure, no suggestion from me to secure that prompt tribute to his memory, and such other measures as the occasion of his death demands, and his distinguished position and long public service so eminently deserve.

Our devout homage is due to Almighty God for the unnumbered blessings of health, peace and prosperity, which, notwithstanding our sins of commission and omission, he has vouchsafed to us during the past year. Abundance crowns the labor of our fields, and individual happiness rewards the private virtue and enterprise of our people.

The finances of the Commonwealth are in a most prosperous condition, as shown by the Reports of the Auditor and Treasurer for the incoming year.

The public debt of the Commonwealth on 10th of October, 1867, amounted to $4,611,199 46.

This sum includes the School Fund, which amounts to $1,632,297 46.

Deducting this sum from the State debt proper, and the total indebtedness of the Commonwealth subject to payment, as of the 10th of October, 1867, is $2,978,902.

There was in the Treasury of the State, to the credit of the Sinking Fund, on the 10th of October, 1867, $1,519,783 34.

In addition to the sum last enumerated, there is due to the Sinking Fund, by the Treasury Department of the Commonwealth, for money borrowed, $381,239 56; which, added to the amount in the Treasury, makes the total to the credit of the Sinking Fund, on 10th of October, 1867, $1,901,022 90.

Were this amount of cash on hand applied to an extinguishment of the State debt, the total amount of the indebtedness

of the Commonwealth, exclusive of School Fund, would, on the 10th of October, 1867, amount to $1,077,877 10.

This indebtedness of the Commonwealth is represented by State bonds of different maturities, bearing interest at the rate of five per cent. and six per cent. per annum.

This amount of indebtedness also includes $544,000 of the military bonds of the State, issued during the war, and maturing respectively in fifteen and twenty years, and designated as the remnant of the war debt.

The remaining portion of these bonds were executed many years ago, to enable the State to carry on an extensive system of internal improvements.

For the purpose of promptly liquidating the interest of this debt, and sinking the principal as it matured, certain sources of State revenue were set apart by the Legislature, constituting a fund known as the Sinking Fund. These resources were, from time to time, increased by the General Assembly.

A constitutional guard of inviolability was thrown around the Sinking Fund resources by a provision in our present Constitution forbidding the repeal of the laws which set apart certain sources of revenue as resources of the Sinking Fund. The same constitutional provision provides they may be increased, but shall never be diminished, until the State debt is paid.

The sources of revenue thus set apart as sacredly belonging to the Sinking Fund were taxes annually paid by the banks to the Commonwealth; the taxes paid by insurance companies, brokers, &c., to the Commonwealth; the lease of the penitentiary, and the interest of the State in the slack-water improvement, and the stock owned by the Commonwealth in banks, railways, and the several turnpikes of the State. Many of the bank stocks are now worth a premium above their par value. Many of the turnpike stocks are greatly depreciated below their par value. If all the stocks were worth par, the resources of the Sinking Fund, independent of the amount of $1,901,022 90 in cash shown to its credit on 10th October, 1867, amount to $6,103,294 99. Add cash, $1,901,022 90, and we have, as the total resources of the Sinking Fund on the 10th October, 1867, $8,004,317 89.

Were the entire indebtedness of the Commonwealth liquidated, there would still remain to the credit of the Sinking Fund $7,926,438 28. This would be an apparent balance. From it must be deducted the depreciation of the turnpike stocks held by the State, and to it must be added the appreciation or premium of the bank stocks over their par value. I have not had the data to make this calculation. It may safely be assumed, that, after the extinguishment of the entire indebtedness of the Commonwealth, several millions would still remain to the credit of the Sinking Fund.

There was due from the United States to the Commonwealth of Kentucky, on 1st January, 1867	$1,831,706 88
Amount received from the United States since 1st January, 1867	399,224 17
	$1,432,482 71
Add amount paid off by State, since 1st January, 1867, and for which United States is indebted	36,455 11
Balance due State 10th October, 1867	$1,468,937 82

Our State Agent is actively pressing the payment of this balance upon the proper authorities at Washington. While war claims from other States for greatly larger amounts have been audited and paid, technical and specious objections are interposed at Washington to the payment of this claim, so sacredly due. Our failure to realize a larger amount, I am quite sure, is not attributable to Col. Pennebaker. He is active and untiring, as I learn, in pressing it.

As soon as his report is received I shall promptly lay it before you, accompanied by such suggestions as its contents may require to aid Col. P. in liquidating the unpaid balance.

I recommend, as a measure of sound policy, the payment of the State debt at the earliest practicable moment. The amount of bonds redeemed since first of March, 1867, is $439,499 41.

With a large amount of money in the banks of Kentucky upon which the State is receiving but three per cent., we have outstanding bonds bearing five and six per cent. interest. During the year 1868 $874,000 of these bonds will fall due. Many others, having longer time to run, might be redeemed, if extraordinary effort were used to inform either Eastern or

European holders of these securities of the ability and desire of the State to redeem them before maturity.

I recommend a revision of the laws incorporating the Sinking Fund, with authority to loan any surplus money in its coffers upon call on undoubted collaterals, to be designated in the act, and on such terms as the Legislature may prescribe.

Upon the 16th day of October, 1867, W. T. Samuels resigned his position as Auditor, and I appointed D. Howard Smith to fill the vacancy, who, after execution of proper bond, immediately entered upon the discharge of the duties of the office.

Shortly after my assumption of the duties of this office, I learned that the peace of the State had been disturbed in Boyle, Mercer, Lincoln, Marion, and the adjacent counties, by a secret organization of an inconsiderable number of unknown persons in the State, calling themselves "Regulators," who, in open defiance and violation of law, proceeded to inflict summary punishment upon certain selected citizens for real or supposed offenses.

Upon the 16th of September I issued a public proclamation demanding and requiring that any and every such illegal organization should cease; and enjoining and exhorting all good citizens to discountenance all acts tending to mob violence, and aid me in restoring order and peace by an efficient and rigid enforcement of the law. I had hoped that this appeal would have proved effective, and that all action looking to lawless violence would have been promptly abandoned.

I regret to say that subsequent events dispelled this hope.

Upon the 1st of October I was officially notified by the civil authorities of Marion county that one or two murders, and other acts of violence, had been committed, in that county, by another inconsiderable body of lawless men, composed of Rowzee, Wilson, and others, known as the Rowzee Band, who had combined together for the purpose of private vengeance upon certain persons who had incurred their ill will, and for retaliation upon persons supposed by them to be connected with the Regulators.

Upon receiving this information, I dispatched Adjutant General Wolford to the scene of disorder, with written instructions to ascertain the cause and extent of these disturbances.

Relying upon the patriotism and military experience of

General Wolford, I empowered him, if, upon full inquiry and personal examination, he found the forcible resistance to law too formidable to be suppressed by the civil authority, to call out a sufficient number of the State militia to aid the civil magistrates in the arrest of the offenders and in upholding the supremacy of the law.

General Wolford, after a personal inquiry and examination into the extent and causes of these disturbances, promptly determined to call out three hundred men, to aid the civil authorities in preserving the peace, and to aid in the arrest of all offenders constituting a part of these illegal combinations.

Arms were promptly furnished upon his requisition on the Quarter-Master General, and three companies, numbering 280, including officers and men, have been enrolled and are now in service.

An attempt was more recently made, by a body of from thirty to one hundred men, to take forcibly from the jail of Mercer county a prisoner confined there upon the charge of murder. The circuit court was in session, and, by an order of the judge, the prisoner had been removed prior to their attempt, from the jail of Mercer county to that of Fayette. This attempted violation of law failed. Upon receiving information from his Honor, Judge Newman, I immediately dispatched General Sneed at Danville, ordering him, with a sufficient body of his enlisted men, to Harrodsburg, with directions promptly to report to judge Newman and await his orders in preserving the sanctity of the court and upholding the majesty of the law. This order was promptly obeyed.

Great credit is due to General Wolford and General Sneed for their prompt action and efficiency in putting down these *emeutes*.

Order is now restored, and law is supreme in every portion of the Commonwealth. I learn the "Regulators" have disbanded. Several of the Rowzee party have surrendered, and others have been arrested. These disturbanees, I learn, have originated from private feuds, or sprung from an impression in the minds of the "Regulators" that the laws were not efficiently enforced. They do not owe their origin to any difference in political sentiment, and are wholly unconnected with antagonisms springing out of the late civil war.

To whatever cause attributable, the time has come when they must cease.

In the discharge of my official duty I shall attempt their suppression at every hazard. In this effort I confidently rely upon the aid of every good citizen of Kentucky.

I cannot permit the occasion to pass without publicly expressing my sincere acknowledgments to the people of Mercer and Boyle for their support and determination to stand by me, as evinced in their recent meetings.

We can have no safety but in law. Its supremacy is the surest bulwark of private rights—the only safe palladium of personal safety. The loveliest face Liberty ever wears is when enthroned and circumscribed by law. A freedom supported by arms to-day, will be crushed by arms to-morrow. Let all the people of our Commonwealth make themselves firm upholders of law! Let free citizens, if need be, constitute themselves body-guards around our temples of justice against assaults from any and all illegal combinations! No people can be long free unless they fearlessly determine to enforce the strict subordination of arms to the civil power of the Commonwealth.

I recommend the proper appropriation to defray the expenses of the quota called out and enlisted by General Wolford.

I also recommend an appropriation to defray the salary of the Assistant Adjutant General, which should be fixed by law. These details and recommendations will appear in the Adjutant General's Report hereafter.

No subject can demand more serious consideration than a revision of the various laws touching the militia. I recommend that you will take prompt steps for an efficient military organization of the State, looking alone to home protection. Many of the arms now owned by the Commonwealth are of inferior quality and in bad condition. It might be economy to dispose of them. I refer you to the Quarter-Master General's Report for requirements and suggestions in his department.

REGISTRATION OF BIRTHS, MARRIAGES, AND DEATHS.

I recommend that the Legislature at its present session pass a law providing for the proper and authentic registration and

record of all the births, marriages, and deaths that shall hereafter occur within the Commonwealth. The evidence of these facts are often required in our courts of justice, and it would tend greatly to the public convenience, if the people knew where the official records of these events were to be found. In almost every State and nation such a law as the one proposed has been found essential and necessary; and I am satisfied that if a proper one is passed, it will not only promote the public good, but will receive the general favor and sanction of the people.

I submit a memorial prepared by a special committee of the Medical Society of Kentucky requesting a re-enactment of a law for the registration of births, marriages, and deaths.

PUBLIC INSTRUCTION.

I submit herewith a special report of the Superintendent of Public Instruction, and recommend its matured suggestions to your careful consideration. He attributes a want of greater success in our system of common school instruction to a want of means, and to certain defects in the efficient organization in the counties which requires legislative amendment. The surest permanent basis upon which republican institutions can safely rest, is the liberal education and virtue of a free people. Intelligence, combined with virtue and integrity, is the first to sound the alarm against the insidious encroachments of power, and is foremost in its denunciations of misrule, vice, and usurpation. You need no suggestions from me promptly to afford the requisite means to insure the children of our proud old Commonwealth the facilities of general education, and will not hesitate to afford a free constituency the privilege of voting a fund sufficient to place Kentucky in the foremost rank of her sister States, by a permanent and liberal system of common school instruction.

PENITENTIARY.

The last Legislature made an appropriation of one hundred and nine thousand and twenty-seven dollars and seventy-nine cents for the purpose of erecting new buildings and enlarging the old ones in the Penitentiary grounds, and Messrs. Temple, Gill, Swigert, and Churchill were appointed Commissioners upon the part of the State to contract for the work to be done,

and see that it was properly executed. The buildings and new improvements contracted for will, it is expected, be finished during the present winter, and were imperatively demanded by the necessities of the State. Under the present contract two hundred and four new cells will soon be completed; but a simple statement of facts will make it obvious to all, that the present Legislature must make still further appropriations for the enlargement of the present grounds and the erection of additional buildings, or else establish a branch Penitentiary in some other portion of the State.

On the 9th day of March, 1863, when the present lessee, Mr. Todd, entered upon the duties of his office, there were but two hundred and forty-seven prisoners, consisting of two hundred and forty men and seven women; but up to the 25th day of November last, they had increased to the number of five hundred and fifty, consisting of four hundred and twelve men and thirty-eight women. There are now three hundred and thirty-six cells occupied, and when the two hundred and four new ones are completed, there will be in all but five hundred and forty cells, which is ten less than the number of prisoners already confined there. Seeing how rapidly the number of convicts was increasing, the Commissioners, without exceeding the appropriation made, had the cell-house raised one story higher than they had at first contracted for, and this will afford room for one hundred and eight more cells; and I recommend that an appropriation be at once made for their immediate construction.

I earnestly recommend a thorough revision of prison discipline, and that the State erect a house of refuge for girls and boys. The indiscriminate admixture of men and boys, and girls and women, in the same building, is revolting to all the dictates of humanity, sound policy, and the enlightened Christianity of the nineteenth century. The only object of punishment is to deter others from the commission of crimes, thus throwing the safeguards of law around society, and, if possible, to reform the guilty. The hardened, the profligate, and the abandoned, should be as far as possible separated and kept apart from the young and the helpless, and those who have taken but their first step in crime, oftentimes induced thereto by the crafty wiles of old offenders.

Under our present system, all prisoners are upon the same footing; and the misguided maiden is associated with the lost harlot, and the young and thoughtless boy with the skilled and experienced thief and burglar, and all without distinction drink to its dregs of the same cup of bitter degradation. Surely no system of prison discipline which does not rest on the basis of Christian benevolence and the enlightened principles of civil polity, is worthy of a free people. It would seem, therefore, that a house of refuge for juvenile offenders, next to a common school system, to which I have already adverted, is one of the first wants of a free Commonwealth, and that no subject of more pressing want could be addressed to your consideration. I earnestly recommend the erection of such an asylum, and in this connection cordially recommend to your notice the report of the Managers of the House of Refuge at Louisville, as showing the beneficial results of such an institution.

It has been shown that the increase of crime will soon demand the enlargement of the present prison or the erection of another. Even now, within the walls of our Penitentiary, where there is no gradation of punishment except its duration, something like a gradation grows up, and is indeed inevitable. The refractory bring upon themselves privations and penalties, whilst the amiable and well-behaved win for themselves exemptions and favors. Why may we not, then, recognize this fact in the enlargement of the present prison, or in the erection of a new one—1st. In the structure; 2d. In the assignment of employments; and 3d. In the allowable associations and relaxations, keeping the depraved and incorrigible to themselves, thereby placing it beyond their power to contaminate others, and thus also affording opportunity to such as can be reclaimed for reformation and improvement. But, far above all these things, it is important that our holy Christian religion, with all its touching tenderness and charities, should reign over every Asylum, House of Refuge and Correction, nay, over every department of the Penitentiary, constantly and patiently teaching its lessons of duty, truth, and brotherly love. Unnecessary restraint and harsh penalties tend to harden the heart, whilst genuine sympathy always

excites its kindliest feelings, and oftentimes redeems the victims of crime. Philosophy may preach good morals, but only religion—the religion of the Gospel—can change the heart.

Whilst I feel anxious that everything should be done to reform the prisoners, to reclaim them from the error of their ways, and to restore them back to society changed and useful men, still I think that the safety of the people requires that imprisonment, inflicted justly and in accordance with the law, should be faithfully served out.

It is the certainty of punishment, and the unvarying infliction of the penalty, which impart majesty to law, and strike terror to offenders; and, as the Executive of the State, I shall rarely interfere, except in extraordinary cases demanding interposition.

I desire, also, to say, that there is great irregularity, frequently, in the prompt transmission of prisoners to the Penitentiary, after conviction. A case has been brought to my notice of a conviction of a felony, where the prisoner was allowed to remain in the jail of the county for weeks after sentence before his transmission to the Penitentiary. This time should either be deducted from his term of service in the State Prison, or some more efficient means should be taken for their transmission thither.

FEEBLE-MINDED INSTITUTE.

I beg leave to present to your favorable consideration the Institution for the Education and Training of Feeble-minded Children, located near this city, and justly ranking among the most important, touching, and praiseworthy charities with which it is the pride of our Commonwealth to be blessed.

While other similar institutions, older in years, have long since been provided with ample buildings and other appliances essential to success within their respective spheres, this one—not less important, and appealing most touchingly to the sympathy of all warm hearts—is still comparatively in its infancy, and requires the sustaining aid and fostering care of the Representatives of the people.

The privilege was recently afforded me of a personal visit to this interesting institution. I examined its appointments, witnessed with delight an exhibition of the mode of instruction observed in it, and was charmed to behold the results for

good which it has already achieved and is daily accomplishing for an unfortunate class of our population hitherto regarded as hopelessly involved in mental darkness. It gladdens me to bear willing testimony to the gratification which that visit afforded me.

The building in all its departments is admirably kept; the discipline, while free from severity, seems to be perfect; the physical wants of the unfortunate inmates are scrupulously cared for; whilst the work of the teachers in successfully nursing into life the faintest spark of intellect is absolutely wonderful.

I recommend that an appropriation sufficient to complete the projected building be made, and the adoption of such other legislation as will tend to secure the benefits of this charity to all for whom it was established. The reports of the Board of Commissioners and Superintendent will be laid before you, and these will suggest in detail the wants of the Institution.

STATE HOUSE AND PUBLIC GROUNDS.

I earnestly recommend that prompt action be taken for enlarging and reconstructing the present State House, by the addition of two wings, and such other additions and improvements as shall provide within the building appropriate accommodation for the General Assembly, the Federal and Appellate Courts, the Executive, and the various offices and bureaus attached and belonging to the State Government.

I am impressed with the conviction that this improvement is a necessity imperiously demanded by the public interest. The destruction by fire a few years since of a portion of the public buildings, involving the loss of the judicial opinions of the Appellate Court and the recorded deeds in that clerk's office, was a calamity from which the people of the Commonwealth have suffered, and must continue to suffer, for years to come.

None of the public offices belonging to the State are fireproof. Many of them are insufficient for the discharge of the public business. When it is remembered that a conflagration might at any time entirely consume the Auditor's Office, with its records and statistics, many of which could never be supplied, and reflect upon the incalculable loss which the Commonwealth would sustain, I cannot too earnestly press upon

your consideration some decisive action upon this important subject.

I further recommend the purchase of the two adjacent half squares adjoining the public grounds. They could doubtless be purchased for an inconsiderable sum of money. The enlargement of the present State House by additional wings would occupy a large portion of the present square. The corporate authorities of Frankfort would doubtless consent to the occlusion and use of the two streets now separating those half squares from the public square; and their addition to the present public square would greatly add to the public convenience, in the event of the erection of a State House as proposed.

I cannot but persuade myself that public buildings suitable to the character and dignity of this Commonwealth, and so much required by the public necessity, would long since have been erected but for the vexed question of the removal of the Seat of Government to some other point in the State.

I am not insensible that to the General Assembly appropriately belongs the determination of this important and delicate question. It is one which propriety dictates should be left exclusively to them. I cannot, however, shrink from any recommendation which my own sense of public duty imposes; and therefore have felt it incumbent respectfully to suggest my urgent conviction that the time has come when the question should be definitely and finally disposed of. If the Seat of Government remains at Frankfort, then the Legislature should promptly inaugurate the improvements suggested. If the Seat of Government is removed, then new and commodious buildings must be provided elsewhere. The Commonwealth has too great an interest in the preservation of her records, and the private rights of her citizens are too much involved in their protection, to allow them to remain longer in unsafe depositories.

ASYLUMS.

It would seem almost superfluous that I should recommend that you should extend a generous support, and exercise a watchful care over the unfortunate inmates of our Blind, Deaf and Dumb, and Insane Asylums. Their helpless con-

dition will appeal to your hearts far more eloquently than any words of mine; and a liberal and ample endowment of all such charitable institutions will ever stand forth a proud monument to the intelligence, virtue, and nobility of the people who foster them. I doubt not that the Legislature of Kentucky will most willingly and cheerfully make such appropriations for their maintenance and support as their wants, necessities, and comfort may require.

I have received the Annual Report of the Board of Managers and Medical Superintendent of the Kentucky Eastern Lunatic Asylum at Lexington, for the year ending the 30th of September, 1867, which I shall lay before you. The Report of Dr. Wm. S. Chipley gives a detailed account of its operations for a series of years, and cannot fail to prove highly gratifying to its friends. This benevolent institution has now been in successful operation for more than forty years. Since the year 1824, two thousand seven hundred and sixty-two patients have been admitted within its walls, of whom one thousand and fifty have been restored to the light of reason. These results are truly encouraging to all philanthropists, and demonstrate the great benefits of all such institutions.

The last Legislature made a liberal appropriation for the erection of additional buildings, which are now in course of completion, and when finished, there will be room in this Institution for three hundred more patients. The number remaining there on the first of October was two hundred and fifty-eight.

I was gratified by an examination which a personal visit to the Western Lunatic Asylum, during the past summer, afforded me. I found the new and beautiful building almost entirely completed, and I cannot too highly commend the taste, judgment, and talent of Dr. James Rodman, in all the appointments, buildings, and regulations connected with this Institution. His Report, when received, will exhibit, in detail, the necessities of the Asylum, and I cannot too warmly press its claims upon the consideration and liberality of the General Assembly.

Reports from the Blind and Deaf and Dumb Asylums will doubtless be soon received and laid before you at an early day.

GOVERNOR L. W. POWELL.

It is with the deepest sadness that I announce to you the death of the Hon. Lazarus W. Powell, which took place at his residence in the town of Henderson, on the third day of July last. His genial manners, his constant fidelity, his incorruptible integrity, his commanding talents, and great public services, had justly endeared him to the hearts of all, and the wail of sorrow which went up from a people who had confided to him so many trusts, was the highest tribute to his memory. As a member of our State Legislature, United States Commissioner to Utah, United States Senator, and Governor of Kentucky, he had rendered services to his country which should never be forgotten, and which will be ever held in grateful remembrance by the people of his native State. In times of trouble like the present we sadly miss statesmen of his enlarged experience and unsullied patriotism, and in his death Kentucky mourns the loss of one of her brightest jewels; for it is such men who constitute the glory of a State, and ennoble the brightest pages of its history. It is surely useless for me to suggest what should be done in commemoration of his virtues, for I know Kentucky will delight to do honor to his memory.

FEDERAL RELATIONS.

I am oppressed with solemnity when I turn from the reference to State affairs, over which I have thus rapidly glanced, to invite your attention to those of our Federal relations.

I regret to say they present a dark and sad picture.

The hope so fondly cherished by every patriot, that a restored Union upon the basis of the Constitution was the rich fruition destined to crown the triumph of Federal arms over the forces of the Confederate States in our late unhappy conflict, has proved so far utterly illusive.

No error has become of late more popular than the one that the States which adopted the Federal Constitution were never sovereign. Another, fraught with greater mischief, is, that the Government of the United States was not the representative and organ of the several sovereign States, to the extent of the powers delegated to it, but was the Government of the people of the thirty-six States united and consolidated.

To these erroneous and mischievous dogmas, the more dangerous and startling one is for the first time put forth by the party having present control of the Federal Government, that the States have no rights, but bear to the Federal Government the same dependent relation of counties to the States of their location.

To whatever extent this false theory exhibits a tendency menacing to the stability of the Constitution, the integrity of the Union, or the indestructible character of any sovereign and co-equal State in our Federal system, it demands and should receive our deliberate consideration.

Before the thirteen Colonies became a confederation of independent States, they were associated only by community of transatlantic origin, by geographical position, and by the mutual tie of common dependence on Great Britain.

When that tie was sundered, they severally assumed the powers and rights of absolute self-government. The municipal and social institutions of each—its laws of property and of personal relation—even its political organization—were such only as each one chose to establish, wholly without interference from any other. In the language of the Declaration of Independence, "each State had full power *to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States* may of right do." The several Colonies differed in climate, in soil, in natural productions, in religion, in systems of education, in legislation, and in forms of political administration; and they continued to differ in these respects, when they voluntarily allied themselves as States to carry on the war of their independence.

The object of that war was to disenthrall the united Colonies from the oppressive rule of their mother country. That country had turned a deaf ear to their growing complaints against a long series of oppressions, which at last culminated in a claim of a right to tax, without its correlative one of representation.

The success of the war led to a permanent separation between them.

The political result was the foundation of a federal republic

of free white men of the Colonies, constituted, as they were, in distinct and reciprocally independent State Governments.

The first union of these thirteen independent State Governments under articles of confederation proved inefficient to achieve the objects proposed and intended. That union had been the act of the thirteen State Governments, and was a union of governments.

These States found it convenient to modify the condition of their association by resorting to a more effective system of governmental union. They adopted a duplex system of governments, compounded of the separate government of the several States composing the union and one common government of all its members, called the Government of the United States. Each was framed by written Constitutions; those of the several States by the people of each acting separately and in their sovereign character, and that of the United States by the same agency acting jointly instead of separately. Both State and Federal Constitutions are marked by the divisions of political power into Legislative, Executive, and Judicial.

Each rest on the same great American foundation: that the people are the source of all power, and that rulers are directly responsible to the ruled.

The entire powers of the government are divided between the two. To the Federal Government was delegated all power necessary for the execution of certain well-defined functions of a general nature, looking to the common defense and security of all the States—leaving all power not delegated expressly to the States and people thereof.

Both Federal and State, within their prescribed sphere, possess all the attributes and perform all the functions of government. Neither is complete without the other. The sovereignty and equality of the States underlaid, and was the fundamental condition of the Constitution.

The States went into the Union on the agreed premises of exerting their common strength for the defense of the whole, and of all its parts; but of utterly excluding all capability of reciprocal aggression. Each solemnly bound itself to all the others neither to undertake nor permit any encroachment upon, or intermeddling with, another's reserved rights.

The independent sovereignty of the States assured to each by the constitutional provision for co-equal representation in the Senate of the United States, was the fundamental condition of the American Union.

Such is the brief outline of the constitutional theory of that noble structure of free representative government erected by our fathers as an entrenchment of civil and religious liberty against the encroachments of power.

It has stood the shock of nearly eighty years. It has blessed us as few nations have ever been blessed. Under its protection we have enjoyed liberty, security, prosperity, and happiness.

A distinguished living English statesman in 1823, in prefacing a defense of the English Government and Constitution against the liberals, who, in support of their views, pointed to the American success in free institutions, said:

"Nor can the United States of America be fairly quoted as an example against me. Whether she be more or less happy than England, her standing in the world is not yet such as to enable her to draw any triumph from the comparison of her institutions with those of other nations. Since she first conquered her independence she has been as little exposed to the internal dangers arising from war as the Republic of San Marino. She has had a continent to spread in, and a huge wilderness to receive the unquiet and fermenting spirits among her people. Each State has governed itself with as little difficulty as the Quarter Sessions in England regulate the county expenses; her Congress has carried on war and negotiations without the smallest apprehension of conquest. It is when the Republic, weary of peace and prosperity, shall measure her new forces, and sigh for greatness and glory; when a national debt and a national army shall be created by the will of national opinion; when Mexico shall be a bordering and rival empire; when Generals shall arise with more brilliant talents and a less virtuous character than Washington—it is then it will be decided whether the institutions of America are wiser than those of England.

"It must be confessed, however, that should America stand this test, or even should she continue to flourish for the next

century, it will no longer be just to withhold from her the pre-eminence among the governments of the globe."

Some of the perils thus foreshadowed and proposed by England's enlightened and living statesman as a practical test of the stability of American Constitutional Government now surround and encompass us. Shall his doubt be realized, or shall we win his meed of approbation?

Will our matchless form of free representative government, with its well-arranged system of checks and balances, prove still a barrier against all the antagonizing forces now threatening its integrity? Is the stability of the Constitution of the United States, which in the past achieved so many triumphs over sectional prejudice, now to become subverted by the fanaticism or errors of our own people? Shall the vital interest of thirty-four millions of free American white citizens be surrendered to the domination of the relatively few negroes in the United States? Or rather, will not the American masses continue to subordinate their will to those limitations placed by themselves as checks and barriers against the popular necessity and frenzied passions of the hour? Shall not self-control and ready obedience to law, in the future as in the past, continue to be the crowning characteristics of our American institutions?

Will the people of the sovereign and independent States constituting the American Union permit any change in their fundamental system of government, save in that express mode and manner prescribed in the Constitution? Will they tolerate the overthrow of a solitary barrier in that instrument erected to protect the equality and preserve the reserved rights of each of the States?

These are vital questions. Their issue unquestionably involves the continuance of self-government. Upon their determination rests the life of the Republic. They must be met. *We cannot avoid it.*

They must be considered calmly but fearlessly—fully—but with wisdom. Consider them as thoughtful friends of self-government—as true lovers of constitutional liberty—and as free but fearless Representatives of Kentucky.

I have already shown the inviolability of the reserved rights of each State as a fundamental condition of the Union.

The party now in power, in their platform of principles at Chicago, on the 16th of May, 1860, in their fourth Resolution, say: "That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential in that balance of power on which the perfection and endurance of our political fabric depends; and we denounce the lawless invasion by armed force of the soil of any State or territory, no matter under what pretext, as among the gravest of crimes."

I rejoice to find myself sustained in my opinion of the inviolability of the reserved rights of the States by this emphatic indorsement of the entire Republican party. That platform was put forth by their representative men. They declare as a canon of their political faith that the interference by the Federal Government with the domestic institutions of any State is a usurpation wholly unauthorized by the Constitution of the United States.

If we turn our eyes to ten States of the Union, we shall behold them, at this time, stripped by Federal legislation of their equality—their sovereignty—their right of suffrage—and all right of representation in either house of Congress. All the bulwarks of personal freedom—*habeas corpus*—freedom of speech—freedom of the press—trial by jury, have been ruthlessly taken away. It were an apt question to inquire where the power is derived under the Constitution which confers upon Congress the right to subvert the governments of these ten States.

The Government of the United States is one of limitations. It possesses no power not delegated, and no express power to subvert can be shown. How, then, does the instrumentality of the States become the engine of their destruction? It cannot be derived from the war *power*. The maintenance of the Union brings with it the support of the State Governments in all their rights. It was denied that the States could secede. If this right be denied, the supremacy of the Federal arms restored the vigor of the Union and all the States composing it, with their constitutional rights. It has been judicially held that no State in a confederated government can ever become

the subject of conquest. Besides all this, the solemn faith of the nation was pledged through the Executive and Congress that the war was waged alone for the restoration of the Union, without any intention on the part of the Government to interfere with the reserved rights of the States.

Among the rights of a State none can be more vital than that of representation. It lies at the root of free government. It is the vital breath of free institutions. The people are the only source of power. They cannot act in mass. The right to choose a representative is every man's portion of sovereign power. Yet it becomes my duty to inform you that Kentucky is at this moment deprived of her rightful representation in the more popular branch of our National Legislature.

Hon. John D. Young, James B. Beck, Thomas L. Jones, Asa P. Grover, J. P. Knott, John Young Brown, Lawrence S. Trimble, Elijah Hise, and George M. Adams, were elected on the 4th day of May, 1867, from their respective districts, at a free and fair election, Representatives from this Commonwealth to the 40th Congress of the United States. Elijah Hise died but a few days after his election, and did not reach Washington. They were all constitutionally eligible at the period of their election. They all repaired to Washington, and demanded to be sworn and admitted to their rights as Representatives from Kentucky. All were at first refused admission. Subsequently, Hon George M. Adams was admitted. The other gentlemen, including Hon. J. S. Golliday, who was elected as the successor of Hon. E. Hise, are still refused their seats. Kentucky, entitled under the Constitution to nine Representatives, has at this moment but one.

This wrong is rendered still more apparent by the fact that L. S. Trimble had been a member of the last Congress.

Congress has the constitutional right to inquire into the regularity of the returns of the election of its members. It may demand to know that the Representative is of the requisite age, and has resided the requisite period fixed by the Constitution as the period of his eligibility. If the member is willing to take the oath, Congress can neither add to or subtract one iota from that constitutional provision which prescribes his qualification. If Congress, upon party suggestions

of private individuals, can deprive a State of its representation, then Congress is supreme, and the State powerless.

Again: The equality of the States was secured, as we have shown, by that provision in the Constitution guaranteeing to each State equal representation in the Senate. Yet in the face of this plain exaction of the Constitution a Senator from Maryland, duly elected and constitutionally eligible, is refused admission, and no reason assigned for his exclusion.

Palpable and flagrant as these violations of the rights of the States are, I am pained to say we are confronted with more fearful usurpations.

The recent scheme of congressional reconstruction of ten States of the Union, and the practical operations now occurring under it, must in their effects, if successful, sweep away every vestige of our Federal system of free government.

The wrong now perpetrated under that plan vitally affects every free white citizen of every State in our Confederacy. It rests on the monstrous outrage of enfranchising the blacks and disfranchising the whites. It is not negro equality; but the results of the late pretended elections exhibit the startling fact that it is negro supremacy. Eight millions of white men, through congressional instrumentalities of registration, and military commanders, under the absolute rule of negroes! Every barrier and bulwark of the Constitution broken through, every vestige of State equality swept away!

When the equality of our Federal system, as already briefly portrayed, is encroached upon, then oppressions and frightful inequalities appear. The balance is destroyed—its limitations gone! The effect of this reconstruction scheme is strongly presented by a philosophic and distinguished statesman of New York, in a powerful argument recently made as affecting the Northern States. Negro rule is established at the South to govern the people there, and that is sectional. It goes to Washington, and then it becomes national. The States of South Carolina, Georgia, Alabama, Louisiana, and Texas, are entitled to thirty-two members of Congress; New York has thirty-one members of Congress; New York is outnumbered by these States. The New York Representatives represent four millions of people, and seven hundred and

fifty thousand voters. The thirty-two Representatives from the South, with an aggregate majority of over one hundred thousand, have the privilege of outvoting them.

Again: The ten States now under military rule, are entitled to fifty Representatives in Congress. Under a full representation—five fifths instead of three fifths—they will have sixty. The aggregate negro majority in these States is over 86,600. New York, Pennsylvania, and New Jersey have fifty-nine Representatives. They have eight million, and will be outvoted by 86,600 of the Africanized portion of the South. In the Senate of the United States the contrast is still more startling.

Florida, with a population of 150,000, but with a registered vote of 5,000 whites and 10,000 negroes, balances New York.

South Carolina, with a population of 700,000, a registered vote of 21,000 whites and 46,000 negroes, balanees Pennsylvania.

Louisiana, with a population of registered white voters of 44,000 and negro of 82,000, balances Ohio.

Its effect must be still more general and disastrous in the Electoral College. Do the present Representatives of the Congress of the United States represent faithfully a free white constituency in these open, ribald, direct usurpations of power?

Are the people of the States tired of the government of their fathers? Do they desire to see the Constitution under which our great Republic has become the first power in Christendom supplanted by an unwritten constitution representing the national will as embodied in the action of Congress? Do they wish to transfer the legislative control to the ignorant negro; their great commercial and industrial interests from the superior to the inferior race? It cannot be.

Will the people of the States permit the usurpations of Congress upon reserved rights, which the party in power have denounced as crimes? The question involves the self-preservation of every State. Another of greater solicitude presses itself upon the serious deliberation of every friend of constitutional government. What means do the government of a State possess to prevent the government of the United States from encroaching on its reserved powers.

Clearly not by any State veto of any Federal enactment. It could not be productive of good. Besides, no such power, in my judgment, is possessed by any State to nullify at will a Federal enactment.

The remedy most certainly is not secession. Its madness has too recently been illustrated in blood to find any advocates.

We have several remedies which have in the past proved efficient.

We have the right of remonstrance—of manly protest against any and all encroachments upon our rights.

We have the right of adopting resolutions against any violation of the Constitution.

But that which I recommend is an appeal to the people of our sister States. I suggest that you shall put forth a calm, temperate address, setting forth the startling encroachments of Congress; its utter overthrow of self-government by usurpations unauthorized by the letter or spirit of the Constitution, addressing it to our sister States, calling upon them to unite and co-operate with us in opposition to the despotic usurpations of the reserved rights of the States.

Dispel the prejudice which, for designing purposes, is attempted to be created against us. Counteract the falsehoods that we desire to re-establish slavery. Expose the trick that we have unfriendly legislation against those lately our slaves, and discriminate against them in favor of the whites. Throw back the stigma so basely cast upon our humanity and benevolence by those disloyal enemies of constitutional government who would slander Kentucky, hoping thereby to irritate our Northern brethren by creating the false impression, that the negroes were not fully protected in the enjoyment of their rights of person and property.

Above all, let our brethren throughout the Union know that the people of Kentucky are united; and that they present for the conjoint action of the people of all the States, a platform of principles which every true man who loves his country can warmly and thoroughly indorse.

These fundamental truths are—the supremacy of the Constitution and laws of the United States within their allotted sphere;

The inviolability and perpetuity of the Union under the Constitution;

The incompetency of a State or States, or of the General Government, to impair the integrity of the Union by secession on the one hand or exclusion on the other;

The perfect equality among all States under the Constitution;

The exclusive right of each State to regulate its domestic and internal affairs, subject only to such special exceptions as the Constitution itself has established;

The right of each State to regulate suffrage.

Let the issue be made to the people of every State. I cannot persuade myself that such an appeal will be made in vain. We have no hostility to the black race, but are for the self-preservation of our own.

The interest, the honor, the peace, the safety, the prosperity of the people of all sections, are involved and imperiled in the maintenance of these guarantees.

I am not, dark as the hour is, without hope. I see beams of light athwart our political horizon. They indicate, though dimly, coming day. I have faith in the people. I persuade myself that recent popular expressions of the masses indicate that the storm of fanaticism and error, which has almost shipwrecked us in the wild chimerical schemes of social change, will yet dash itself against the rock of the Constitution, and expend its fury without danger.

But, above all, my trust is in a higher Power!

I look to Him "who stilleth the raging of the sea, and the noise of the waves, and the madness of the people." His strength has always upheld us! "In every hour of our acknowledged peril, when the dark clouds have shut down around us, He has interposed as if to baffle human wisdom, astonish human foresight, and bring out of darkness the rainbow of promise." To His providence I commend you, with an assurance of my hearty co-operation in all measures tending to the glory, peace, and prosperity of our beloved Commonwealth.

J. W. STEVENSON.

December, 2, 1867.